

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Rehearing of application No. 12313, as amended for a special exception under Sub-sections 7104.2 and 7105.2 to permit the change of a non-conforming use from a retail men's clothing, haberdashery, tailoring, cleaning agency and uniform processing establishment on the first floor to a restaurant seating sixty persons in the R-5-C District at 2145 "G" Street, N.W., (Square 79, Lot 808).

HEARING DATE: September 21, 1977

DECISION DATE: October 11, 1977

DISPOSITION: Application GRANTED with CONDITIONS by a vote of 3-2 (John G. Parsons, Chloethiel Woodard Smith and Leonard L. McCants to grant, William F. McIntosh and Charles R. Norris to deny).

FINAL DATE OF ORDER: October 20, 1977

ORDER

Upon consideration of the Motion for Reconsideration and Stay filed by George Washington University dated November 1, 1977, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support a motion for reconsideration. It is therefore ORDERED that the Motion for Reconsideration and Stay be DENIED.

DECISION DATE: December 6, 1977

VOTE: 3-1 (Chloethiel Woodard Smith, Charles Norris and Leonard L. McCants to deny; William F. McIntosh to grant)

ATTESTED BY: \_\_\_\_\_

STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 14 DEC 1977

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12313 of Sidney Margolis, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Sub-sections 7104.2 and 7105.2, to permit the change of a non-conforming use from a retail men's clothing, haberdashery, tailoring, cleaning agency and uniform processing establishment on the first floor to a restaurant seating sixty (60) persons and permit the expansion of the proposed non-conforming use to the second floor in the R-5-C District at 2145 G Street, N.W. (Lot 808, Square 79).

HEARING DATE: February 22, 1977

DECISION DATE: March 8, 1977

FINDINGS OF FACT:

1. The property is located in the R-5-C District.
2. Applicant is currently operating a men's retail clothing sales, and civilian and military tailoring store as an existing nonconforming use under Certificate of Occupancy B 14340 issued on November 3, 1958, on the first floor of the property.
3. The store operates between the hours of 9:00 A.M. and 6:00 P.M., Monday thru Saturday and services approximately two hundred customers a week.
4. The second story of the property is residential. Access to the apartment, consisting of four bedrooms, bath and kitchen, is by exterior stairs and separate entrance.
5. Applicant proposes to change the existing use by leasing the property to the Ponderosa Steak House for the operation of a sixty seat restaurant which will expand the use to include all or part of the second floor. No plans or architectural drawing indicating the seating plans or alterations to the structure were submitted by applicant or the intended lessee.
6. The hours of operation for the proposed use will be 6:00 A.M. until 11:00 P.M., seven days a week. The evening hours of operation may be extended dependent upon activities at the Smith Center of George Washington University.

7. Applicant's intended lessee will seek a beverages license permitting the sale of beer and wine on the premises.

8. The property affords no public parking. Parking is available at a nearby University owned parking lot which is open to the public. On street parking, both metered and unrestricted, is limited and illegal parking frequently occurs.

9. The District is heavily influenced by the presence of George Washington University and a large number of students live in the area.

10. The D.C. Municipal Planning Office recommended conditional approval of the application on the grounds that the use would be consistent with the neighborhood character, the proposed use serving primarily the student population, and that the majority of the adjacent properties were either owned or leased by the University.

11. The application was actively opposed by area residents and Advisory Neighborhood Council 2A on the grounds that the proposed use would impact adversely on the neighborhood due to intensified use with attendant noise, litter and traffic.

#### CONCLUSIONS OF LAW AND OPINION

Applicant seeks a special exception in order to change and expand an existing nonconforming use pursuant to Sub-sections 7104.2 and 7105.2. The Board is governed in the exercise of its authority by Section 7109 which requires certain findings and considerations. In the exercise of its authority, the Board may require modification of proposed design and plans, hours of operation, and other considerations. While the current record discloses that the proposed use is an intensified use, the record is inadequate to permit the Board to evaluate the impact of that use upon the neighborhood. In the absence of design or architectural plans the Board is unable to determine whether any structural alterations are to be performed or whether the plans require any modification in order to safeguard neighboring property. It is therefore ORDERED that the application is hereby DENIED.

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VOTE: 3-1 (Lilla B. Cummings, Esq., William F. McIntosh,  
Ruby B. McZier, Esq.; Leonard L. McCants, Esq.  
voting to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Arthur B. Hatton  
ARTHUR B. HATTON  
Secretary to the Board

FINAL DATE OF ORDER: 5-26-77